



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/717,729

11/20/2003

Roger L. Stolte

1149.1101101

8697

164 7590 05/17/2007
KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1751

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,729

Applicant(s)

STOLTE ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 28, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-38 and 40-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-38 and 40-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment filed on February 28, 2007.
2. Claims 1, 3-38, 40-69 are pending.
3. Claims 1, 5-9, 11-18, 21, 22, 34, 36, 38, 42-46, 48-55, 58 and 59 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al. (US Patent No. 4,560,492), hereinafter "Curry" for the reasons set forth in the previous office action.
4. Claims 19-20 and 56-57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Curry as applied to the above claims, and further in view of Magari et al. (US Patent No. 4,416,809), hereinafter "Magari" for the reasons set forth in the previous office action.
5. Claims 1, 3-11, 13, 15-28, 30, 32-38, 40-48, 50, 52-65, 67, 69 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Steindorf (US Patent No. 5,340,501) for the reasons set forth in the previous office action.
6. Claims 12, 14, 29, 31, 49, 51, 66 and 68 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Steindorf as applied to the above claims, and further in view of Rolando et al. (US Patent No. 5,876,514), hereinafter "Rolando" for the reasons set forth in the previous office action.

Response to Arguments

7. Applicants' arguments filed February 28, 2007 have been fully considered but they are not persuasive.

With respect to the rejection based upon Curry, Applicants argue that Curry does not show, suggest, or teach a solid composition having a HEDTA to water ratio range of about 1:6.25 to about 1:1, and Curry never mentions a mole ratio of HEDTA to water, and that Tables 5-8 also provide specific examples of mole ratios of HEDTA to water that resulted in the solidification of the composition, as well as mole ratios that did not result in the solidification of the composition. Applicants also argue that Curry et al. does not show, suggest, or teach that the composition includes less than a solidification interfering amount of a component that can compete with the HEDTA for water and interfere with solidification.

The Examiner respectfully disagrees with the above arguments because Curry teaches a composition comprising HEDTA in an amount from about 0.5% to about 10% by weight (see col. 2, lines 44-47) and water in a solid composition (see col. 12, lines 11-28), hence, the HEDTA and water should have a mole ratio that overlaps those recited. With respect to the comparative data presented in Tables 5-8 in the specification, as pointed out by Applicants, even though Formulations A1, B1, F1, G1, M1 and N1, whose HEDTA:water read on those recited, formed a solid tablet while other formulations whose HEDTA:water is outside the claimed range and did not harden, the showing is not commensurate in scope with the claims. The present claims

Art Unit: 1751

only require the HEDTA, water in their recited mole ratio, and "less than a solidification interfering amount of a component..." whereas the showing in the specification contains other ingredients which would have contributed to the solidification of the tablet. With respect to the "less than a solidification interfering amount of a component that can compete with the HEDTA for water and interfere with solidification" that is now required in the present claims, Curry does not teach any alkalinity component that can compete with the HEDTA for water and interfere with solidification.

With respect to the rejection based upon Curry in view of Magari, Applicants argue the same reasoning as in Curry above.

The above response to Curry applies here as well.

With respect to the rejection based upon Steindorf, Applicants argue that while Steindorf does not show, teach or suggest combining HEDTA and water at a mole ratio range of between about 1:6.25 and about 1:1, and also pointed out Tables 5-8 for the same argument as discussed in Curry above.

The Examiner respectfully disagrees with the above arguments because in col. 3, lines 55-59, Steindorf teaches that the alkali metal salts of the aminocarboxylate sequestering agent, like ethylenediaminetriacetic acid (HEDTA) should comprise about 20 to 40 wt% of the detergent composition, and the detergent composition should comprise about 15-25 wt%, preferably about 15-20 wt% water including both free water and water of hydration (see col. 5, lines 38-41). The mole ratio of HEDTA:water should overlap those recited. With respect to the comparative data in Tables 5-8 in the specification, the same response as in Curry applies here as well. Even though

Art Unit: 1751

Steindorf teaches an alkaline source from about 10 to 40 wt%, for example sodium hydroxide or sodium silicate (see col. 3, lines 1-25), this amount of alkaline source, which can only be sodium silicate, would read on the "less than a solidification interfering amount of a component that can compete with the HEDTA for water and interfere with solidification" of the present claims.

With respect to the rejection based upon Steindorf in view of Rolando, Applicants argue the same reasoning as in Steindorf above.

The above response to Steindorf applies here as well.

Conclusion

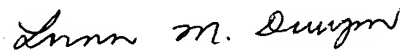
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon
Primary Examiner
Art Unit 1751